

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q95749

Tetsuya NAKAMURA, et al.

Appln. No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Examiner: Not Yet Assigned

Filed: July 25, 2006

For: NOVEL BENZOFURAN DERIVATIVE, MEDICINAL COMPOSITION CONTAINING
THE SAME, AND USES OF THESE

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

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filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant submits the following explanations:

With regard to prior art, there are the following citations involved in the International Report as category X and A:

- (1) Indian Journal of Heterocyclic Chemistry, 2002, 12(2), p. 89-94 as category X, A;
- (2) Bioorganic & Medicinal Chemistry, 1998, 6(9), p. 1517-1524 as category A;
- (3) WO03/045385 (F. HOFFMANN-LA ROCHE AG) as category A; and
- (4) WO02/074056 (KING PHARMACEUTICALS RESEARCH AND

DEVELOPMENT INC.) as category A.

Document (1) was recognized as category X for claims 1, 2 and 4 in the International Search Report, but in the International Preliminary Examination Report , all claims including 1, 2 and 4 were reported to be novel and unobvious.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE

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CUSTOMER NUMBER

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Date: July 25, 2006

Substitute for Form 1449 A & B/PTO <u>INFORMATION DISCLOSURE</u> <u>STATEMENT BY APPLICANT</u> <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	Not Yet Assigned
				Confirmation Number	Not Yet Assigned
				Filing Date	July 25, 2006
				First Named Inventor	Tetsuya NAKAMURA
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	Q95749

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			
		US			
		US			
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		US			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		WO	03/045385	A1	06-05-2003	F. HOFFMANN- LA ROCHE AG	English
		WO	02/074056	A2	09-26-2002	KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC.	English

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city, and/or country where published.	Translation ⁶
		PADMASHALI, BASAVARAJ ET AL.; Synthesis and pharmacological evaluation of some naphtho [2,1-b] furo [3, 2-d] pyrimidines, Indian Journal of Heterocyclic Chemistry, 2002, 12(2), 89-94	English
		SCAMMELLS, PETER J. ET AL.; XH-14 analogs as adenosine antagonists, Bioorganic & Medicinal Chemistry, 1998, 6(9), 1517-1524	English

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.